IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1814 of 2025

Aadesh Prakash Jadhav
Age: 23 years, Occupation: Education
R/o. Vithabai Chawl, Opp. Water Tank,
Munshi Compound, Kashimira,
Meera Road, Thane … Applicant

versus

The State of Maharashtra
Through Officer Police Inspector
Kashimira Police Station,
Meera Bhayandar, Thane.
(Copy to be served on Public
Prosecutor, Hon'ble Bombay
High Court, Bench, Mumbai) … Respondent

Mr Dhananjay Thoke, for the applicant.
Mr Prashant Jadhav, APP, for the respondent/ State.
PI Sheetal Mundhe, Kashimira Police Station, MBVV, is present.

Coram: R.N. Laddha, J.
Date: 4 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.5 of 2025, registered at Kashimira Police Station, Mira Bhayander, Vasai-Virar Commissionerate of

Police, for offences punishable under Sections 103(1), 109, 118(2), 115, 352, 191(1), 191(2), 191(3), 192, 194(1), 194(2) read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. According to the prosecution's case, on 31 December 2024, the applicant, along with the co-accused, formed an unlawful assembly with the common object of committing a violent offence. In furtherance of this object, they are accused of launching a brutal assault on the deceased, ultimately resulting in his death. During the course of the incident, the informant was also sustained grievous injuries.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case and has no involvement in the alleged offence. He further submits that the applicant's name does not find mention either in the FIR or in the supplementary statement of the injured. Moreover, the investigation has been concluded and there remains nothing further to be recovered or discovered at the instance of the applicant.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is of a grave and serious nature. He submits that the applicant, in collusion with the co-accused, formed an unlawful

assembly and was actively involved in the commission of the murder of the deceased. The CCTV footage clearly showed the applicant's presence on the spot and his involvement in the crime.The incident took place on 31 December 2024. However, the applicant did not approach the Sessions Court for anticipatory bail for a considerable duration and remained absconding until the end of April 2025, reflecting a lack of *bona fides* and cooperation with the investigation. In addition, there are also eyewitnesses who categorically implicated the applicant in the said incident.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits approach, as granting such pre-arrest bail in serious cases may affect the investigation. All these aspects are highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282.*

6. Upon perusing the records, it appears that the applicant's participation in the crime was revealed during the course of the investigation. The CCTV footage, *prima facie,* depicts the

presence of the applicant, accompanied by the co-accused, at the scene of the incident. In addition, there are eyewitnesses who have explicitly named the applicant as an active participant in the commission of the alleged offence. The brutality of the assault inflicted upon the deceased further aggravates the gravity of the case. It is also pertinent to note that the investigation is still ongoing insofar as the present applicant is concerned. Furthermore, the applicant remained absconding for nearly four months following the incident and was unavailable for the investigation without seeking any legal recourse during that period, which raises serious concerns regarding his intentions and conduct. The nature of the offence is grave and serious, warranting a cautious approach.

7. In light of the above, this Court does not find it appropriate to exercise its discretionary powers in favour of the applicant. Accordingly, the application stands rejected.

[R.N. Laddha, J.]